

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**CARLOS QUESADA
AGUERO,**

Plaintiff,

V.

ALBERT J. ASORIO

Defendant.

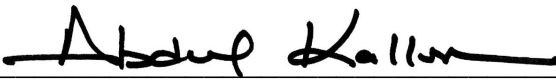
Civil Action Number
5:13-cv-02086-AKK-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 22, 2013 recommending that this action, filed on the court's General Complaint Form for *Pro Se* Litigants, be dismissed pursuant to 28 U.S.C. § 1915(e) for want of subject matter jurisdiction. Doc. 4. Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court agrees with the magistrate judge that Aguero has essentially pled a theft or embezzlement claim, and since he cites to no federal statute conferring jurisdiction and fails to allege facts that would support finding the existence of diversity jurisdiction or a federal question, his claim should be dismissed for want of subject matter jurisdiction. Therefore, the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly,

the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915(e). A final judgment will be entered.

DONE this 12th day of December, 2013.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE